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Firstly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Secondly, there must be a reasonable expectation of success.

Thirdly, the prior art reference (or references) must teach or suggest all of the claim limitations. Applicants submit that the Examiner has not established a prima facie case of obviousness for rejecting claims 1-11 and 21-25.

In regard to the third criterion of obviousness, there are prior art references that teach or suggest all of the claim limitations. Neither of these references teach or suggest a conductive transparent layer system having the required surface resistivity and mean Haacke quality factor. By Examiner's admission, Depauw does not disclose any mean Haacke quality factor and does not explicitly disclose the exact surface resistivity as Applicant. Further, it appears that the combination of Depauw et al. in view of the GB '256 reference is not any closer to teaching or suggesting the claimed transparent layer system having the required surface resistivity and mean Haacke quality factor than the previously applied references. In particular, the references do not teach or suggest [adjusting a combination of parameters to achieve the required characteristics of the claimed conductive transparent layer system.] In fact, it appears that the examples of the '662 patent all have a mean Haacke quality factor well below 0.085⁻¹ and a surface resistivity above 2.9_{sq}. Further, while the '662 patent teaches that the surface resistivity may be reduced by increasing the thickness of the silver layer, this would be expected to reduce the optical transmittance and therefore the mean Haacke quality factor. Further, the '662 patent does not teach or suggest how production parameters may be

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optimized to simultaneously achieve the required resistivity and mean Haacke quality factor.

Accordingly, it is our opinion that the rejection is improper and should be withdrawn for the reasons generally set forth with respect to the previously applied prior art references.

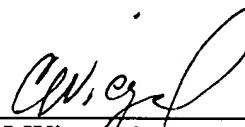
It is not by following the teachings and suggestions of the prior art that those having ordinary skill in the art would achieve the claimed combination of performance factors. Instead, it is only by selectively modifying the prior art teachings guided by Applicants' own disclosure that one having ordinary skill in the art could achieve the claimed invention.

All pending claims 1-11 and 21-25 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,
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9/4/02

Date



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